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November 26, 2018

The Honorable Lorna G. Schofield
United States District Court
for the Southern District of New York
40 Foley Square
New York, NY 10007

Dear Judge Schofield:

Plaintiffs respectfully submit this letter motion to request that the Court enter an Order reauthorizing the filing of the Second Consolidated Class Action Complaint (“SCCAC”) as set forth below.

Plaintiffs filed the SCCAC on November 20, 2018 (ECF No. 177) pursuant to the Civil Case Management Plan and Scheduling Order (ECF No. 176). Plaintiffs filed the SCCAC using the ECF event type “Amended Complaint” because the SCCAC is the first amendment of the Consolidated Class Action Complaint that Plaintiffs filed on June 30, 2017 (ECF No. 84). On November 21, 2018, Plaintiffs received a notice stating that the filing was deficient because it was filed using the wrong ECF event type and instructing Plaintiffs to re-file the SCCAC using the ECF event type “Second Amended Complaint,” which Plaintiffs did the same day (ECF No. 178). However, the refiled SCCAC was then rejected because it was filed the day after the November 20, 2018 deadline for filing the SCCAC as set forth in the Civil Case Management Plan and Scheduling Order, despite the initial timely filing on November 20th. Class Counsel then contacted the Court’s chambers and were advised to file this letter motion to request appropriate relief.

Accordingly, Plaintiffs respectfully request that the Court enter an Order authorizing Plaintiffs to re-file the November 20, 2018 version of the SCCAC using the ECF event type “Second Amended Complaint” by no later than one business day after the entry of the Court’s Order.

Respectfully submitted,

/s/ Michael Dell’Angelo
Michael Dell’Angelo

*Counsel for Plaintiffs
and the proposed Classes*